

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Fort Lauderdale Division**

DONALD J. TRUMP,

Plaintiff,

v.

CABLE NEWS NETWORK, INC.

Defendant.

Case No.: 22-cv-61842-AHS

**NOTICE OF SUPPLEMENTAL FILING IN SUPPORT OF
PLAINTIFF’S MOTION FOR RECONSIDERATION AND/OR REHEARING
OF COURT’S ORDER GRANTING DEFENDANT’S MOTION TO DISMISS**

Plaintiff, DONALD J. TRUMP (“Plaintiff”), by and through undersigned counsel and, hereby files his Notice of Supplemental Filing in Support of Plaintiff’s Motion for Reconsideration and/or Rehearing of the Court’s Order Granting Defendant’s Motion to Dismiss [DE 32].

The supplemental filing, which is attached hereto as Exhibit A, is an Order recently entered in the Circuit Court for the Fourteenth Judicial Circuit in and for Bay County, Florida in the matter styled *Zachary Young and Nemex Enterprises, Inc. v. Cable News Network*, Case No. 22-CA-608. The supplemental filing is submitted in further support of Plaintiff’s contention that leave should be granted to permit Plaintiff to add a claim for defamation by implication and permit the parties to conduct discovery related to such a claim.

In the Order dated August 3, 2023, the court granted plaintiffs’ motion for leave to amend the complaint to allege a claim for punitive damages against Cable News Network arising from claims alleged against Cable News Network for: (a) Defamation *Per Se*, (b) Defamation By Implication, (c) and Trade Libel. In the *Young* matter, plaintiffs sued CNN over defamatory

statements that plaintiffs operated a “black market” to capitalize off the events surrounding the U.S. withdrawal from Afghanistan.

Plaintiffs were able to sufficiently establish the known falsity of the defamatory statements to justify a pursuit of punitive damages, to a substantial extent, upon “internal [CNN] emails/messages” and “doubts internally expressed by Defendant’s employees,” which presumably were obtained by plaintiffs during the discovery process. *See* Ex. A, p. 3. Absent such discovery, it stands to reason that the plaintiffs in *Young* would not have been afforded the opportunity to uncover the extent of CNN’s actions and/or meet the requirements necessary to demonstrate “a reasonable basis to show that [CNN] either knew statements were false (through their actual falsity, omission by failing to provide complete information, or juxtaposing Young’s name and image when referencing individuals other than Young to appear to be referencing Young), published information while possessing contradictory information, or published them with reckless disregard despite awareness of their probable falsity.” *Id.* at p. 4.

Dated: August 11, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 11, 2023 the foregoing was served via the Court's

CM/ECF System upon:

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